

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

NOV 20 2007 AM 10:06

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA'07 MJ 2706
PDR DEPUTY

UNITED STATES OF AMERICA)

VS.)

) Magistrate Judge Case No:

Edgar HERRERA-Covarrubias)
) COMPLAINT FOR VIOLATION OF:
) 21 U.S.C. S 952 & 960
) Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

COUNT ONE

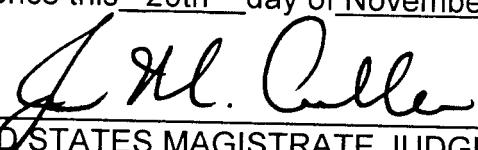
On November 19, 2007, within the Southern District of California, Edgar Herrera Covarrubias did knowingly and intentionally import approximately 73.08 Kilograms (160.77 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Signature of Complainant
Special Agent, U.S. Immigration and
Customs Enforcement

Sworn to before me and subscribed in my presence this 20th day of November, 2007.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, Special Agent Estela Clark, declare under penalty of perjury, the following is true and correct:

On November 19, 2007, Edgar HERRERA, entered the United States from the

Republic of Mexico via the Otay Mesa (California) Port of Entry (POE).

HERRERA was the driver and sole occupant of a 1988 Chevrolet Bonaventure van bearing California license plate 5CXX926.

On November 19, 2007, Customs and Border Protection Officer (CBPO) Alan Boutwell was performing primary operations when he was approached by HERRERA. CBPO Boutwell approached the vehicle and made contact with HERRERA. HERRERA presented his California identification card #D2656646 and stated he was a citizen of the United States. CBPO Boutwell received two negative Customs declarations from HERRERA. The vehicle was taken to the Secondary Lot where a K-9 officer, CBPO Jesse Gutierrez, was requested to further inspect the vehicle. Upon the K-9 alerting to the vehicle, HERRERA was escorted into the Security Office.

At approximately 9:50 p.m., on November 19, 2007, CBPO Gutierrez with assigned Human and Narcotic Detector Dog "Lasso" (CF-56) alerted positively to narcotics in the side panels of a white commercial van bearing California license 5CXX926. The words, "Church of Christ" were printed on the side of the van.

On November 19, 2007 at approximately 10:00 p.m., CBPO Robert Renner was assigned to vehicle secondary at the Otay Mesa POE when he was approached by CBPO Boutwell who was escorting a 1988 Chevy Bonaventure van. CBPO Renner went to the rear of the vehicle and pulled back the side panel on the driver side and discovered cellophane with aluminum wrapped packages. CBPO Renner requested for the vehicle to be x-rayed, which showed packages all along the side of the vehicle and in the rear door. CBPO Renner removed 40 packages from the vehicle with a total weight of 73.08 Kilograms (160.77 pounds). CBPO Renner probed a random package, which field-tested positive for marijuana.

On November 20, 2007 at approximately 1:00 a.m., Special Agent (SA) Estela Clark read HERRERA his rights per Miranda in the English language, as witnessed by SA Jacqueline Cannon. HERRERA waived his Miranda Rights and agreed to speak without an attorney present. HERRERA admitted that he knew there was marijuana in the vehicle, but did not know where it was hidden or the amount. HERRERA stated he was taking the vehicle to San Diego, California. HERRERA admitted he was being paid \$900.00 US dollars for driving the vehicle with marijuana into the United States. HERRERA was subsequently transported to the Metropolitan Correctional Center. HERRERA is now pending federal prosecution.